IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2654 OF 2006

Amit H.Jhaveri ..Petitioner

Vs.

State of Maharashtra & Anr. ...Respondents

...

Mr.Amit Hemendra Jhaveri petitioner in person.
Mr.A.S.Shitole A.P.P. for the State

...

**CORAM: SMT.V.K.TAHILRAMANI,J.**
**DATE : MARCH 7, 2007**

**P.C.**

1. Heard the petitioner who is appearing in person and the learned A.P.P. for the State.

2. The petitioner is seeking quashing of process dated 30.3.1995 issued under Section 138 of Negotiable Instruments Act against him in C.C.No. 13/S/1995 which is pending before the learned Metropolitan Magistrate, 40th Court, Girgaum, Mumbai. Being aggrieved by the said order, the petitioner preferred a revision before the Sessions Court. The Sessions Court observed that as the plea of the accused is recorded under Section 252 in Summons Case discharge is not contemplated. The learned Judge also observed that there is delay of

about 10 years in preferring the revision and he rejected the said application. Being aggrieved by the said order, this petition has been preferred.

3. Petitioner has submitted that the complainant has suppressed many facts and has falsely involved the petitioner. He further submitted that the complainant has made false submissions to get process issued against the petitioner. It is seen that the trial in the said case is over and in fact, statement of the petitioner under Section 313 of Cr.P.C. has already been recorded. The case has reached the fag end of the trial. If at all the petitioner is able to prove his defence, he will be acquitted. In such case, at this stage, I am not inclined to quash the process. Hence, the petition is rejected. Looking to the fact that the case has been pending for more than 14 years, the trial Court shall dispose of the matter as expeditiously as possible and preferably by 31.5.2007.

4. Petition is disposed of.

[ V.K.Tahilramani, J.]